

**REMARKS**

**I. Introduction**

Applicants have amended claim 1 in order to further clarify the scope of the present invention. In addition, new claims 13-15 have been added. Support for new claim 13 may be found, for example, on page 15, lines 4-19 of the specification. Support for new claim 14 may be found, for example, on page 17, lines 16-17 of the specification. Support for new claim 15 may be found, for example, on page 20, lines 19-23 of the specification. No new matter has been added.

An RCE is being filed concurrently with this amendment.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

**II. The Rejection of Claims 1, 5-6 And 8-11 Under 35 U.S.C. § 103**

Claims 1, 5-6 and 8-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashiguchi et al. (JP Pub. No. 62-234878) in view of McCall (USP No. 5,994,669) and further in view of Thomas et al. (US 2002/0079865). Applicants respectfully traverse the pending rejections for at least the following reasons.

With regard to the present invention, amended claim 1 recites a battery storing device for a vehicle comprising: a battery storing section that can store a battery inside and has a heat retaining function of retaining heat of the battery that is stored inside using vacuum heat insulating material; a heat retention releasing mechanism for releasing the heat retaining function; and an independent discharge circuit having a heating resistor, whose resistance increases automatically, so that heat generating current stops, wherein the heat retention

releasing mechanism opens and closes an opening for making air flow between the inside and outside of the battery storing section; and said independent discharge circuit is electrically connected to the battery and can perform discharge independently from the charge/discharge operation of a main circuit.

It is admitted in the Office Action that Hashiguchi fails to disclose that the independent discharge circuit can perform discharge independently from the charge/discharge operation of a main circuit. McCall is relied upon to remedy this deficiency.

However, McCall fails to teach or suggest that the independent discharge circuit can perform discharge independently from the charge/discharge operation of a main circuit. McCall teaches, in col. 3, lines 27-3, that “a power supply cord 20 exits one end of the battery warmer 10 and is used to plug the battery warmer into a secondary power supply such as conventional AC power or an additional battery which may be installed on a vehicle.” As is evident from the passage, McCall teaches merely that the warmer is powered by one of a two sources. There is no mention in this passage of independent discharge from the main circuit. Furthermore, there is only one circuit for the battery warmer in McCall. Accordingly, the one circuit in McCall would be considered the “main circuit” and therefore, McCall does not teach that the independent discharge circuit can perform discharge independently from the charge/discharge operation of the main circuit. In addition, neither Hasagawa nor Thomas is relied upon to remedy this deficiency.

In contrast, the independent discharge circuit of the present invention can perform discharge either by the main circuit 13, 14, or with the switch 19 (see, Fig. 1 and page 12, lines 17-22 of the present disclosure). Accordingly, the combination of Hasegawa, McCall and

Thomas fails to teach or suggest that the independent discharge circuit can perform discharge independently from the charge/discharge operation of a main circuit.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As Hashiguchi, McCall and Thomas, at a minimum, fail to disclose or suggest a battery storing device which can perform discharge independently from the charge/discharge operation of a main circuit, it is clear that Hashiguchi, McCall and Thomas, alone or in combination, render amended claim 1 obvious. As such, Applicants respectfully request that the § 103 rejection of amended claim 1, and all pending dependent claims thereon, be withdrawn.

**III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

Moreover, new claim 13 teaches that the vacuum heat insulating material is comprised of polyurethane foam grappled in laminated film. This feature allows for a battery of light weight and offers a high degree of freedom in shape setting. New claim 14 teaches that the battery further comprises a plurality of heat conducting fins which communicate with a heat conducting body located in said opening for conducting heat between the plurality of fins. New claim 15 recites a fan located inside the battery storing section.

As the cited prior art does not appear to disclose any of these limitations, Applicants respectfully submit that new claims 13-15 are allowable over the cited prior art.

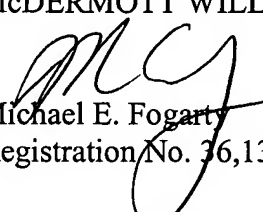
**IV. Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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